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C O N F I D E N T I A L JERUSALEM 001803

SIPDIS

NEA FOR FRONT OFFICE; NSC FOR ABRAMS/RAMCHAND/PASCUAL

E.O. 12958: DECL: 09/26/2018  
TAGS: [PBTS](#) [PHUM](#) [KWBG](#) [KPAL](#) [IS](#)  
SUBJECT: BILIN RESIDENTS WILL CONTEST LATEST IDF BARRIER  
ROUTING PROPOSAL

REF: A. JERUSALEM 1240  
[B. JERUSALEM 185](#)  
[C. 2007 SECSTATE 129800](#)  
[D. 2007 JERUSALEM 1905](#)  
[E. 2007 TEL AVIV 2670](#)  
[F. 2006 JERUSALEM 4270](#)  
[G. 2006 TEL AVIV 1084](#)

Classified By: Acting Principal Officer Greg Marchese for reasons 1.4 (b) and (d).

[1. \(C\) Summary.](#) On September 18, in response to an Israeli High Court of Justice (HCJ) order, the GOI presented a new plan to re-route the separation barrier between the Palestinian village of Bilin and the Israeli settlement of Modiin Illit. Village residents criticized the latest plan and intend to contest it in court. Bilin's attorney will recommend the village offer a counter-proposal for the barrier route that is not based on 1967 lines. This approach would be a break from previous Palestinian positions on the separation barrier. End summary.

#### Village Rejects Latest Re-Route Plan

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[2. \(C\) Abdullah Abu Rahma](#), coordinator of the Bilin Popular Committee Against the Wall, told Poloff September 19 that a GOI plan released on September 18 is better than the initial version released July 7 (ref A), but it is still "not enough." He estimated that the plan would return 500 to 600 dunums (125 to 150 acres), whereas full implementation of the HCJ order would return over 1,000 dunums (250 acres). Michael Sfard, attorney for the committee, told Poloff September 23 that he will review the IDF plan with the Bilin Popular Committee on October 2, and noted that Bilin must respond to the GOI o/a October 5.

[3. \(C\) Sfard emphasized](#) that the proposed barrier re-routing is only partially compliant with the HCJ's order because it bisects the area known as Matityahu East B and returns a portion of the land to Bilin, while retaining a portion as buffer surrounding existing and planned construction in Matityahu East A. He said this provision contradicts the 2007 HCJ instruction that "the territories intended for the future construction of Stage B of the 'Matityahu East' neighborhood are to be left on the eastern side of the Fence." (Note: The GOI proposals of July 7 and September 18 are available on the Consulate General's classified website at <http://www.state.sgov.gov/p/nea/jerusalem/ind ex.cfm> under the link for Political Reporting Attachments. End note.)

#### A New Tactic? Attorney Plans Counter-proposal

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[4. \(C\) Sfard said](#) he is concerned that the HCJ will not reject the latest GOI plan, because it is closer to complying with the court's instructions than the July 7, plan which the

court had rejected as non-compliant. If presented with only the GOI plan, "I expect the court to bargain on 100 meters here or there," Sfard predicted, but not to order significant revisions. He added that, after close to four years of litigation, for the village to have a reasonable chance of legal victory, the court should have two alternatives from which to choose.

15. (C) Sfard told Poloff that he will recommend to the Bilin Popular Committee that the village present a notional map based on its interpretation of the HCJ,s 2007 decision. Such a tactic, Sfard said, would be unprecedented, because Palestinians have refused to present counter-proposals on the routing of the barrier, instead insisting that no legitimate routing of the barrier enter the West Bank. UN OCHA contacts confirmed that Palestinians have not previously employed such a tactic, and said there is significant political pressure not to contradict the principle of 1967 lines.  
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